

**Minutes for the Seminole County  
Land Planning Agency/Planning and Zoning Commission  
March 3, 2004  
7:00 P.M.**

**Members present:** Richard Harris, Dudley Bates, Chris Dorworth, Alan Peltz, Ben Tucker, and Walt Eismann.

**Member absent:** Thomas Mahoney

**Also present:** Tony Walter, Assistant Planning Manager, Cindy Matheny, Principal Coordinator, Tina Deater, Senior Planner, Jeffrey Hopper, Senior Planner, Tony Matthews, Principal Planner, Cynthia Sweet, Planner, Karen Consalo, Assistant County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant.

The Chairman called the meeting to order at 7:00 P.M.

A quorum was established.

The Chairman reviewed the method by which the meeting was to be conducted and the voting procedure.

**Commissioner Bates made a motion to accept the proof of publication.**

**Commissioner Dorworth seconded the motion.**

**The motion passed 6 – 0.**

**Commissioner Eismann made a motion to accept the minutes as submitted.**

**Commissioner Peltz seconded the motion.**

**The motion passed 6 – 0.**

**Technical Review Items:**

**A. Spaceport USA, Inc;** Preliminary Subdivision Plan for Spaceport USA for 9 industrial lots on 24.04 acres zoned M-1A (Very Light Industrial District) located on the west side of Elder Road, approximately  $\frac{3}{4}$  mile north of SR 46, and east side of I-4. (03-05500005)

Commissioner McLain – District 5  
Cynthia Sweet, Planner

Ms. Sweet stated that the subdivision will consist of 9 lots on 24.04 acres zoned M-1A (Very Light Industrial). The subdivision meets all standards in the Land Development Code. Staff recommendation is for recommendation of approval.

There were no questions from the Board.

**Commissioner Dorworth made a motion to recommend approval.**

**Commissioner Peltz seconded the motion.**

**The motion passed 6 – 0.**

**B. Orange Blvd PSP; M/I Homes, Eric Wills, applicant;** Preliminary subdivision plan approval for 37 lots on 9.5 acres, zoned PUD; located north side of Orange Blvd., 300 feet west of N. Oregon Street. (#04-05500003).

Commissioner McLain - District 5  
Cynthia Sweet, Planner

Cynthia Sweet stated that the PSP from MI Homes is for 37 homes with a minimum lot size of 5,500 square feet. The PSP meets all of the standards of the approved development order and the Land Development Code.

Commissioner Tucker asked what the front setback will be.

Ms. Sweet stated that the front setback is 20 feet.

Commissioner Tucker pointed out that it was discussed by the Board previously that with a sidewalk, a 20 foot setback makes cars overhang the sidewalk when parked in the driveway. This subdivision has no place for the children to play. Sidewalks become very important. With front loading garages, a 25 foot setback is best. Another way is to have side loading garages. A 20 foot setback puts the houses too close to the property line.

Jeffrey Hopper, who handled the zoning of the property, stated that in the Developer's Commitment Agreement, it is stipulated that a 20 foot setback from the edge of the sidewalk to the house be required.

There were no further questions.

**Commissioner Tucker made a motion to approve the request.**

**Commissioner Bates seconded the motion.**

**The motion passed 6 – 0.**

**C. General Hutchison Parkway Canopy Roadway Designation; Seminole County, applicant;** Amendments to the text of the Seminole County Comprehensive Plan (Vision 2020 Plan) designating General Hutchison Parkway as a canopy roadway. These amendments will create a 150 foot wide corridor (measured from the roadway centerline) (see shading on map below) for the purpose of ensuring preservation of the natural canopy and scenic character of this roadway and permanently constraining this roadway to 2 lanes (04S.TXT02.1-04S.TXT02.5).

Commissioner Morris–District 2 and Commissioner Henley–District 4.  
Tony Matthews, Principal Planner

Mr. Matthews stated that this item is part of the Spring 2004 Large Scale Land Use Amendment cycle. The BCC directed staff to draw up text amendments for the purpose of designating General Hutchison Parkway a canopy roadway. It is a two lane existing roadway with a 50 foot right of way. Staff is recommending the creation of a 150 foot corridor, extending from the centerline of the road to protect the trees and create the corridor. This will also allow for the development of a previously designated county trail along the south side of the corridor. The proposed corridor shall apply only to those vacant, undeveloped properties, rights of way, and publicly owned properties. There are no plans to improve this road. The adjacent lands have primarily a recreational use. The majority of the road traverses wetlands. The corridor is mostly undisturbed except for the development on the corner of CR427 and the Parkway. There are 9 developed properties within the corridor. This item does not call for the acquisition of any properties; it simply establishes the canopy roadway designation. This is consistent with the County Comprehensive Plan and Staff recommends approval.

Mr. Matthews said that this item will go to the Board of County Commissioners on March 9, and will be in the Spring cycle of large scale plan amendments.

There are two amendments regarding the corridor and what is in it, pertaining to rights of way and publicly owned properties. Privately owned properties have been excluded from this corridor.

Mr. Matthews introduced two amendments to the text submitted to the Board:

Revisions for LPA/P&Z Hearing–03/03/04

General Hutchison Parkway Canopy Road Designation (04S.TXT02)

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There are nine (9) properties within the corridor that are privately owned. Of these, all nine (9) are developed. The balance of the properties within the proposed corridor are in County/State ownership (see attached Ownership Map

and Table). The proposed 150 foot corridor shall apply only to those vacant, undeveloped properties, rights-of-way ~~both privately~~ and publicly owned properties.

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**C. General Hutchison Parkway, between US 17-92 and County Road 427 (Ronald Reagan Boulevard) is designated as a canopy roadway. The roadway corridor extends 150 feet from the centerline of the roadway. To ensure the preservation of the natural canopy and scenic character of this roadway, the following standards shall only apply to vacant, undeveloped properties, rights-of-way and publicly owned properties within the 150 foot corridor ~~both privately and publicly owned~~:**

Commissioner Tucker voiced concerns about preserving native trees, not exotic trees growing there. He is in favor of the canopy tree concept.

Mr. Matthews stated that there is alternate language for item C.

Commissioner Tucker stated that a lot of trees in the corridor are not spreading, canopy type trees.

Mr. Matthews said that he would add to Item C: "Selective clearing according to Best Management Practices for the purposes of stimulating canopy growth..."

Mr. Matthews stated that there is only one other designated canopy corridor road in the county at this time: Florida Avenue.

Commissioner Tucker observed that there are other canopy type roads in the cities. There are canopy roads in Sanford on 8<sup>th</sup> Street and on Mellonville Road. The Commissioner asked about the presence of above ground utilities in the area. Will this prohibit the above ground utilities from running through the area?

Mr. Matthews said that any clearing in the area would have to be approved by the Board of County Commissioners.

Commissioner Tucker asked if the Board could specify that the utilities be regulated in the area pertaining to trimming the trees and that lines be put underground.

Mr. Matthews said that he knew that the Board could not regulate power lines, but he will check on other types of utilities that have rights of way in the area before going to the Board of County Commissioners with this item.

There were no comments from the audience on this item.

Commissioner Harris followed up on Commissioner Tucker's concern about exotic or non-native species. He said that language in the ordinance should clarify that nothing is prohibiting the removal of non-native species from the canopy area.

**Commissioner Tucker made a motion to approve with the optional language for Item C and to include language on the prohibition of overhead utilities in the corridor.**

**Commissioner Peltz seconded the motion.**

**The motion passed 6 – 0.**

**D. NW Oregon PUD; Ken Wright/ Shutts & Bowen, applicants;**  
72.90 acres zoned PUD; Major Revision to PUD Master Plan; north side of SR 46, west of N. Oregon Avenue (Z2004-001)

Commissioner McLain – District 5  
Tina Deater, Senior Planner

Tina Deater stated that the subject property is located on the northwest corner of the intersection of SR 46, and N. Oregon Street, and contains approximately 72.9 acres.

The property currently has a Planned Unit Development zoning designation and a Planned Development future land use designation. (Put up Master Plan) The proposed PUD amendment consists of converting the approved shopping center to an automobile dealership, which includes auto repair/service and a collision center, and an additional 154 townhouses. The existing approved uses and the proposed amendments are summarized in the staff report.

We have received several letters from concerned homeowners in Lake Forest. Copies of those letters were provided to you before the meeting tonight. The applicants met with the Lake Forest Homeowner's Association to address those concerns and the applicants and the HOA have agreed to the following conditions:

- (i) No outdoor amplification of sound, including audible paging or speaker systems, shall be permitted.
- (ii) Other than (a) a term commencing two (2) weeks prior to the grand opening of the dealership and continuing until one (1) month after the grand opening (a total of six (6) weeks), and (b) special promotions occurring once per year for no more than seven (7) consecutive days (which special promotions shall, in any event, be subject to all limitations set forth in the Seminole County Land

Development Code), the dealership shall not feature or permit any tethered balloons, inflatables, flags or banners. Any tethered balloons, inflatables, flags or banners used during the permitted time periods shall not exceed a height of thirty (30) feet above ground level.

- (iii) No searchlights or beacons shall be permitted.
- (iv) The dealership shall install only shoe box-type lighting. No lighting shall spill over onto the Lake Forest property.
- (v) The dealership will meet or exceed the Land Development Code for landscaping its perimeter areas.
- (vi) S.R. 46 identification signage shall be limited to a monument type sign with a maximum height of fifteen (15) feet. The exact materials shall be determined at the time of final engineering, but the pedestal of the sign shall be constructed of brick, stone, split face block or similar materials.

Staff revised the Developer's Commitment Agreement based upon these conditions and this revised Agreement is what you received before the meeting tonight. I want to point out that condition (ii) relating to banners and inflatables and condition (v) relating to landscaping do not appear in the revised DCA. That is because the DCA states that: Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including the impact fee ordinance, of Seminole County. Conditions ii and v are already minimum standards in the Seminole County Land Development Code. The only time we include conditions in a DCA is when they differ from the requirements of the Land Development Code.

Under the original approved Developer's Commitment Agreement, there was a minimum 50 foot building setback on Lot 6 separating the multi-family development on Lot 6 from the commercial development on Lot 1. With this revision, the applicant is proposing to reduce the minimum building setback on Lot 1B (multi-family) to 15 foot from the Lot 1A (car dealership/collision center) boundary line. Staff believes that auto sales and a collision center equal the intensity of the originally proposed retail center; therefore the minimum 50 foot building setback should apply to the multi-family development on Lot 1B.

There has been some discussion with the applicant regarding revising the tree preservation calculations to allow the removal of additional trees on Lots 1A and 1B and mitigating them with replacement trees of a larger number and caliper than required. This revision does not affect the conservation area adjacent to the Lake Forest development. However, at this time we have not received a proposed tree

replacement schedule from the applicant, but if we receive one by March 23<sup>rd</sup>, it will be discussed at the Board of County Commissioners meeting.

Ms. Deater said that staff recommends approval of the requested major PUD amendment, subject to the Revised Master Plan and Revised and Restated Developer's Commitment Agreement with the condition that a 50 foot minimum building setback is applied on Lot 1B from the Lot 1A Boundary Line.

Ken Wright stated that Meredith Harper Pickens has worked with applicants and the Lake Forest community. This site was an old, ill fated Wal-Mart site. Mr. Wright stated that he agreed with the staff report. He will work on the language of the tree section. The only issue is the buffer between the townhomes and the car dealership. Originally this was to be a shopping center and later a Wal-Mart.

Mr. Wright pointed out an easement for the FDOT running through the property for drainage from SR 46. This buffer between the commercial element of the PUD and the townhomes will be 50 feet. Mr. Wright said that he is representing Pulte Homes (townhome developer) and the auto dealership owner. All parties are represented here. Differences at this point pertain to trees and the wall buffer. It is a dangerous precedent to intercede between 2 purchasers. These two properties will be developed together. This will be a state of the art Cadillac repair shop. It will be sound proofed and have no open bays. It will operate between 9 a.m. and 4:30 or 5:00 p.m. The two developers have agreed on what is needed to get the most out of the sites on both parts. Staff has been supportive throughout the process.

Bob Manual of 5336 Fawn Woods Court, Sanford, said that he does not oppose the application, as long as everything is held to the County LDC. He does have a problem with the Bill Heard dealership. It has an audible system which is an irritant. He is concerned with the position of the body shop. We have suggested that the service bay doors face east and west, so as not to face the townhomes.

Ken Wright stated that It is 1,800 feet through conservation to get to Lake Forest. The existing Seminole Ford is 2,200 feet from homes. The auto dealership site has been designed. If the body shop is turned, it is not efficient use of the property. It will be a state of the art building. It is in excess of minimum distances.

Commissioner Harris asked if Pulte Homes is comfortable with the car dealership plans.

Mr. Wright said that it was; he wants to reduce the building setback to 15 feet; The car dealership/ townhouse wall will be to the benefit of the residential use.

The public hearing was now closed.

Commissioner Tucker stated that he had made a tour of the area and saw three new body shops. The trend is for 24 hours of operation, 7 days per week open for business. This will be a 9 to 5 operation. We need to look at setbacks if it is more than 9 to 5. If we are including 9 – 5 and not night time use, then it is OK. Wal-Mart operations would have been more than that.

**Commissioner Dorworth made a motion to recommend approval of the request for a major amendment to an existing PUD agreement, located on the northwest corner of the intersection of SR 46, and N. Oregon Street, subject to the amended and restated Developer's Commitment Agreement with the following two conditions:**

- 1. The hours of operation of the collision center shall be limited to 9:00 AM to 5:00 PM; and**
- 2. The minimum building setback on Lot 1B adjacent to the Lot 1A boundary line shall be 15 feet.**

**Commissioner Tucker seconded the motion.**

Commissioner Harris said that he agrees with the motion. If the developers are comfortable with the setbacks between their two parcels, the County should not interfere. In a PUD things can be done in a flexible manner with negotiation between parties.

Tina Deater asked for clarification; did it include the stipulation of the 9a.m. to 5 p.m. hours of operation for the collision center only?

Mr. Wright agreed that the collision center only would have the hours of 9 a.m. to 5 p.m.

**The motion passed 6 – 0.**

**E. 419 / Chickonski Rezone; Mason Chickonski, applicant;** Rezone of approximately 0.22 acres from R-3 to R2 for placement of a duplex, located on the west side of CR 419 between W. 8<sup>th</sup> Street and W. 10<sup>th</sup> Street (Z2004-003).

Commissioner Maloy – District 1  
Tina Deater, Senior Planner

Tina Deater stated that the request was consistent with the development in the area. It would have negligible impact on the neighborhood. Staff recommendation was for approval.



Commissioner Harris stated that down-zoning sometimes imposes stress on adjacent uses.

Ms. Deater pointed out that there is an unopened right of way between the site and adjacent commercial zoning. There had been no feedback received from owners of adjacent property following notification by the County of the rezone.

The applicant did not wish to comment on the application.

There were no speakers on this item from the audience.

Commissioner Tucker stated that he had visited the site and that the duplex unit is already sitting on the lot. He was concerned about the placement of the driveway and how the site would be accessed.

Ms. Deater stated that there would be one driveway on the site. This zoning request is not site plan specific; however, the applicant provided a site plan that shows a 39-foot rear yard setback.

Commissioner Tucker was concerned that the building be moved back to a 30 foot rear setback, in case CR 419 is widened.

The applicant said that he would use the 30 foot setback.

**Commissioner Tucker made a motion to recommend approval, with a 30 foot rear yard setback.**

**Commissioner Peltz seconded the motion.**

Commissioner Harris pointed out a mapping notation of HDR and commercial zoning.

Tony Walter stated that the Planning Department is aware of this and that it would be rectified.

**The motion passed with a vote of 6 – 0, with the notation of a 30 foot setback.**

**F. Bear Lake Rezone; Hugh W. Harling, applicant;** approximately 1.58 acres; rezone from R-1B (single family dwelling district) to R-1BB (single family dwelling district); located on the east side of Bear Lake Road, 1.8 miles south of SR 436. (Z2004-007)

Commissioner Van Der Weide - District 3  
Jeff Hopper, Senior Planner

Mr. Hopper stated that in October of 2003 the Board of County Commissioners gave the subject property R-1B zoning, with 60 foot lot width. Mr. Harling is seeking a clarification. The zoning of R-1B had been given to provide a transition between the smaller lots adjacent to the railroad and the larger lots in R-1A and R-1AA to the north and west.

Commissioner Tucker stated that the issue was clear. What is needed for 27 lots?

Mr. Hopper said that the concept plan showed 300 feet of 50 foot lots. This request is for 27 lots. One of the 27 lots will be lost with the approved plan.

Commissioner Harris stated that there had been a concern about a proper transition from R-1BB to R-1A zoning. He asked if the County had ever asked a property owner to buffer a development against his own property.

Mr. Hopper stated that he was not aware of the same owner having adjacent properties.

Hugh Harling is representing Bob Hattaway. Mr. Harling stated that the buffering is to Mr. Hattaway's other properties. The discussion at the previous LPA/P&Z Commission meeting was toward R-1BB and 50 foot lots. Mr. Harling stated that he will lose 2 lots with R-1B zoning. Mr. Harling stated that he had previously committed to 2,200 square foot houses with prices starting at \$175,000.00 to \$225,00.00.

Steve Bell of 6084 Jessica Drive, Apopka, wanted to know what had changed with the application.

Commissioner Harris stated that there had been a clarification needed.

Danny Roberts of 6096 Jessica Drive stated that the 2,200 square feet had not included the garages.

The public hearing was now closed.

Commissioner Harris stated that this was in keeping with the trend of having higher valued houses on smaller lots. Compatibility is seen through the value of the property, rather than through lot sizes.

Commissioner Tucker stated that his recollection was for 2,100 square foot houses with 400 square foot garages.

Hugh Harling stated that he wanted to have a 2-car, 400 square foot garage, with an 1,800 square foot house (living area under roof).

Commissioner Tucker stated that an appropriate zoning was needed for the 27 lots.

Karen Consalo stated that a new zoning should be made at this time.

**Commissioner Tucker made a motion to recommend approval of R-1BB zoning that would accommodate the 27 lots with the 4 conditions stated in the previous development order: minimum house size of 2,200 square feet, gross, with a minimum 1,800 square foot living area and a 400 square foot double garage; a maximum density of 4.5 units per acre, maximizing out at 27 lots; a wrought iron fence along Bear Lake Road adjacent to the retention pond and a masonry wall to run adjacent to residential lots. Also, a masonry wall is to run along the full length of the property line on lot 20.**

**Commissioner Dorworth seconded the motion.**

**The motion passed unanimously (6 – 0).**

In reference to the Planning Manager's Report, Tony Walter stated that the Hawthorne Glen item had been continued to March 9 BCC meeting.

Commissioner Harris brought up the topic of compatibility issues. We are now beginning an era of infill projects. Secondly, Commissioner Harris expressed a desire to be sure that adequate provisions for schools be made in the re-write of the County Comprehensive Plan.

Commissioner Tucker stated that the Board has a School Board Liaison who has an opportunity for input at each meeting.

Karen Consalo stated that direction should be gotten from the BCC before seeking input. Consultants will be talking to the School Board.

Commissioner Harris stated that input from the School Board would be concerning statistical need.

**There being no further business, the meeting adjourned at 8:40 P.M.**

Respectfully submitted,

Candace Lindlaw-Hudson, Secretary